

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
DELPHI CORPORATION, : Chapter 11
: Case No. 05-44481 (RDD)
: (Jointly Administered)
Debtor. :
:
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DELPHI CORPORATION, :
:
Plaintiff, :
:
- against - :
:
APPALOOSA MANAGEMENT L.P., A-D :
ACQUISITION HOLDINGS, LLC, HARBINGER : Adversary Proceeding
DEL-AUTO INVESTMENT COMPANY, LTD., : Case No. 08-01232 (RDD)
PARDUS DPH HOLDING LLC, MERRILL LYNCH, :
PIERCE, FENNER & SMITH INCORPORATED, :
GOLDMAN SACHS & CO., HARBINGER CAPITAL :
PARTNERS MASTER FUND I, LTD., and PARDUS :
SPECIAL OPPORTUNITIES MASTER FUND L.P., :
:
Defendants. :
:
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ORDER GRANTING MOTION FOR LEAVE TO AMEND COMPLAINT

Upon the motion (the “Motion”) of plaintiff Delphi Corporation for leave to amend its Complaint (the “Complaint”) in the above-captioned adversary proceeding, and to file and serve an amended complaint in the form annexed to the Motion (the “Amended Complaint”), and adequate notice of the Motion having been provided, and good and sufficient cause appearing to grant the relief requested in the Motion; and upon the record of the April 17, 2009 hearing on the Motion, an after due deliberation; it is hereby

ORDERED that the Motion is granted; and it is further

ORDERED that plaintiff is authorized to amend the Complaint and to file and serve the Amended Complaint as provided in the Motion; and it is further

ORDERED that Defendants shall not be required to answer or otherwise respond to the Amended Complaint, and their answers to the Complaint (Docket Nos. 101-106) shall be deemed to have been served and filed in response to the Amended Complaint; and it is further

ORDERED that this Order does not alter in any way the prior orders of this Court granting in part and denying in part defendants' motions to dismiss the Complaint (Docket No. 93) and concerning reargument with respect thereto (Docket No. 148), and that the filing and service of the Amended Complaint shall not be deemed to revive or reinstate any claims previously dismissed by the Court.

Dated: New York, New York
April 17, 2009

/s/Robert D. Drain
Honorable Robert D. Drain
United States Bankruptcy Judge